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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,064	02/14/2001	Tetsuro Motoyama	194539US-2	1821

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EXAMINER

TRAN, QUOC A

ART UNIT PAPER NUMBER

2176

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,064

Applicant(s)

MOTOYAMA ET AL.

Examiner

Quoc A. Tran

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2,4,6,7.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to application filed 02/14/2001
2. Claims 1-24 are currently pending in this application. Claims 1, 9 and 17 are independent claims.

Information Disclosure Statement

The information disclosure statement filed on 12/29/2003 paper No. 6, information disclosure statement filed on 09/15/2003 paper No. 4, and information disclosure statement filed on 02/09/2004 paper No. 7, fail to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because (USPTO-1449 was not provided). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent,

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except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated over Wu. US Pub No. 2003/0212759 A1 issued 11/13/2003 filed 02/07/2001 (hereinafter '759).

In regard to independent claim 1, *"receiving from a first one of the plurality of target applications through an interface, by a monitoring device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format "* is taught in '759 paragraph [0006], *"and receiving from a second one of the plurality of target applications through the interface, by the monitoring device, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol "* is taught in '759 paragraph [0027].

In regard to dependent claim 2, *"the first data format includes one of text format..."* is taught in '759 paragraph [0028] (i.e. ... formatted text...).

In regard to dependent claim 3, *"the first data format is different from the second data format"* is taught in '759 paragraph [0028] (i.e. ... If the banner information is in a text format, it can be converted to audio using protocols such as voice-XML...).

In regard to dependent claim 4, *"formatting the first information into first formatted data according to the first data format; sending the first formatted data to the first predetermined destination through the first communication protocol"* is taught in '759 paragraph [0027] (i.e. ... HTTP message to get the information for the desired Web page...) *"formatting the second information into second formatted data according to the second data format; and sending the second formatted data to the second predetermined destination through the second communication protocol"* is taught in '759 paragraph [0029] (i.e. ... The text is first converted from HTML to Speech Markup Language. The text-to-speech system 64 uses an XML parser to extract content from the text document...)

In regard to dependent claim 5, *"the step of formatting the first information includes creating a first software class having a declared virtual function"* is taught in '759 paragraphs [0028] – [0029] (i.e. 'The text is first converted from HTML to Speech Markup Language') *"creating a second software class derived from the first software class having a first definition of the declared virtual function"* is taught in '759 paragraphs [0028] – [0029] (i.e. 'The text-to-speech system 64 uses an XML parser to extract content from the text document. The text document may include structure, tags, and attributes which are analyzed to determine the speech output') *"creating a first formatted information software object"* is taught in '759 paragraphs [0028] – [0029] (i.e. 'If there is no markup support in the text document, the text-to-speech system 64 infers the structure by automated analysis of the text, using punctuation and other language-specific data').

In regard to dependent claim 6, *“formatting first formatted information according to one of comma separated format and XML format”*, is taught in ‘759 paragraph [0029] (i.e. ‘... XML parser to extract content from the text document... using punctuation and other language-specific data’).

In regard to dependent claim 7, *“the step of sending the first formatted data includes creating a third software class derived from the first software class having a second definition of the declared virtual function; and creating a first formatted data software object”*, is taught in ‘759 paragraph [0029] (i.e. ‘... XML parser to extract content from the text document... using punctuation and other language-specific data’).

In regard to dependent claim 8, *“the step of creating a first formatted data software object includes formatting first formatted data according to one of binary format and text format”*, is taught in ‘759 paragraph [0028] (i.e. ‘...formatted text, or binary objects...’).

In regard to independent claim 9 directed to a system for performing the method of claim 1, and is similarly rejected under the same rationale.

In regard to dependent claim 10 directed to a system for performing the method of claim 2, and is similarly rejected under the same rationale.

In regard to dependent claim 11 directed to a system for performing the method of claim 3, and is similarly rejected under the same rationale.

In regard to dependent claim 12 directed to a system for performing the method of claim 4, and is similarly rejected under the same rationale.

In regard to dependent claim 13 directed to a system for performing the method of claim 5, and is similarly rejected under the same rationale.

In regard to dependent claim 14 directed to a system for performing the method of claim 6 and is similarly rejected under the same rationale.

In regard to dependent claim 15 directed to a system for performing the method of claim 7 and is similarly rejected under the same rationale.

In regard to dependent claim 16 directed to a system for performing the method of claim 8 and is similarly rejected under the same rationale.

In regard to independent claim 17 directed to a computer readable medium for performing the method of claim 1, and is similarly rejected under the same rationale.

In regard to dependent claim 18 directed to a computer readable medium for performing the method of claim 2, and is similarly rejected under the same rationale.

In regard to dependent claim 19 directed to a computer readable medium for performing the method of claim 3, and is similarly rejected under the same rationale.

In regard to dependent claim 20 directed to a computer readable medium for performing the method of claim 4, and is similarly rejected under the same rationale.

In regard to dependent claim 21 directed to a computer readable medium for performing the method of claim 5, and is similarly rejected under the same rationale.

In regard to dependent claim 22 directed to a computer readable medium for performing the method of claim 6 and is similarly rejected under the same rationale.

In regard to dependent claim 23 directed to a computer readable medium for performing the method of claim 7 and is similarly rejected under the same rationale.

In regard to dependent claim 24 directed to a computer readable medium for performing the method of claim 8 and is similarly rejected under the same rationale.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Motoyama et al. U.S. Patent No. 6,085,196 issued 07/04/2000 filed 12/23/1997

Felciano et al. U.S. Patent No. 6,052,730 issued 04/18/2000 filed 01/09/1998

Morehead et al. U.S.Pub No. 2002/0091775A1 issued 07/11/2002 filed 09/05/2001

Khan et al. U.S.Pub No. 2002/0165988A1 issued 11/07/2002 filed 06/06/2002

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (703) 305-8781. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Quoc A. Tran
Patent Examiner
Technology Center 2176
March 26, 2004


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER